

APPEAL NO. 020977  
FILED JUNE 6, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 20, 2002. The hearing officer determined that the compensable injury of \_\_\_\_\_, does not include an injury to the thoracic area, obsessive-compulsive behavior, major depression, generalized anxiety disorder, social phobia disorder, psychosis, and cognitive deficits. The appellant/cross-respondent (claimant) appeals the hearing officer's extent-of-injury determination essentially on sufficiency grounds. The respondent/cross-appellant (carrier) urges affirmance. The carrier also filed a conditional cross-appeal of the hearing officer's decision, challenging three evidentiary rulings.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of \_\_\_\_\_, does not include an injury to the thoracic area, obsessive-compulsive behavior, major depression, generalized anxiety disorder, social phobia disorder, psychosis, and cognitive deficits. This was a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). After considering the claimant's evidence, the hearing officer was not persuaded that the claimant sustained the claimed thoracic injury or that the claimant's psychological conditions were the result of the compensable injury. Nothing in our review of the record reveals that the hearing officer's determination in that regard is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the appealed determination. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The claimant asserts that the hearing officer erred by considering the excluded testimony of carrier's peer review doctor in reaching her decision in this case. In the "Statement of the Evidence" portion of the decision, the hearing officer indicates that the testimony of the carrier's peer review doctor was admitted "only as an offer of proof." Upon our review, we find nothing in the record which indicates that the excluded testimony was actually considered by the hearing officer. Accordingly, we decline to reverse the hearing officer's decision on these grounds.

In its conditional appeal, the carrier asserts error in three evidentiary rulings made by the hearing officer. Given our affirmance of the hearing officer's decision in favor of the carrier on the only disputed issue, we need not address the conditional appeal.

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge